

MOWER COUNTY

AUSTIN, MINNESOTA

55912



September 25, 1984

MINUTES OF THE MOWER COUNTY PLANNING COMMISSION REGULAR MEETING

Members Present: Conrad Stemson, Joe Monsen, Richard Cummings, Jen Ulwelling, Ray Capelle

Members Absent: Bob Werner, John Hill

Others Present: Julie Lewon

Chairman Capelle called the meeting to order at 8:03 p.m. on Tuesday, September 25, 1984 in the Commissioners Conference Room of the Mower County Courthouse. Minutes of the August 28, 1984 meeting were approved as mailed on a motion by Mr. Stemson, Seconded by Mr. Monsen, and passed unanimously.

Petition for Rezoning from Rural to Commercial - Ernest Durst: Ms. Lewon read the staff report. Petitioner is requesting the rezoning of the south 300 feet of the West 633 feet of the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 4, Windom Township. He wishes to operate a used car lot on the property. Mr. Durst was present and told the planning commission that this was an amended request from the one that appeared before the planning commission in July. He is now only asking for the area between the mobile home park and the interstate to be rezoned to commercial. He said that the property had been sold since the first meeting and he is now the manager.

Mr. Monsen asked if the cars would be parked up against the interstate. Mr. Durst replied that the cars would be by the building. There was some discussion about the cars being a distraction to drivers on I-90. Mrs. Ulwelling asked if customers would get to the used car sales lot by coming through the mobile home park. Mr. Durst said that a new road had been put in along the west end of the mobile home park and that this road would likely be used.

Mr. Monsen asked why the county board had sent the request back to the planning commission. Mr. Cummings told the commission that when Mr. Durst went before the board, he asked that a smaller piece of land be rezoned. The county board asked Mr. Durst to re-petition for the different rezoning and go before the planning commission before coming to the Board.

After further discussion, a motion was made by Mr. Monsen to recommend denial of the rezoning request for the following reasons:

1. The surrounding area is predominantly residential.
2. Rezoning to commercial would open the area to all businesses allowed in a commercial zone.
3. The rezoning is not in accordance with the adopted Mower County Comprehensive Plan.
4. The rezoning would be an obvious case of spot zoning.
5. It would be a distraction to drivers on Interstate 90 to have used vehicles for sale along the Interstate.

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The motion was seconded by Mrs. Ulwelling and passed unanimously. Ms. Lewon announced the the county board would hear the petition on October 11, 1984 at 4:00 p.m. in the Commissioners Room.

Petition for Conditional Use Permit for the Extraction of Lime Rock - Martin Bustad:

Ms. Lewon reported to the planning commission that Mr. Bustad had asked for his request to be tabled until the October meeting. Mr. Monsen made a motion to table the request until the October 30, 1984 planning commission meeting. The motion was seconded by Mr. Stenson and passed unanimously.

Petition for Conditional Use Permit for a Campground - Cedar River Archery Club: Ms.

Lewon read the staff report to the planning commission. Members of the Cedar River Archery Club have kept their campers on 36.7 acres in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 11, Lansing Township during the summer for the past few years. This practice was brought to the attention of the planning staff this year. When the Club was contacted and notified that a conditional use permit was required, they applied for one.

Jerry Shatek, president of the Club, was present and said that they never knew the need for a conditional use permit before. Mr. Shatek reported to the commission that he had talked to Charlie Schneider, State Health Department. Mr. Schneider told them that if the land was privately owned, they didn't charge for camping and had 10 or fewer campers at a time, they didn't need a state permit for a campground. After further discussion, a motion was made by Mrs. Ulwelling to recommend approval of the conditional use permit request with the following condition:

- 1) This will be a private campground, for use by members of the Cedar River Archery Club only.

The motion was seconded by Mr. Monsen and passed unanimously. Ms. Lewon announced that the county board would hear the petition on October 11, 1984 at 4:00 p.m. in the Commissioners Room.

Petition for Conditional Use Permit for a Salvage Yard - Lester Bear: Ms. Lewon read

the staff report. Mr. Bear is requesting a conditional use permit to operate a salvage yard on the south 102 feet of Outlot 6 and the south 60.38 feet of the north 162.38 feet of Outlot 6, in plat of Outlots in N $\frac{1}{2}$, SE $\frac{1}{4}$, Section 14, Austin Township. He has operated a salvage yard as a non-conforming use on the south 102 feet of Outlot 6. The planning office was notified that he was expanding the operation. Once a non-conforming use is expanded, it must conform to the existing zoning ordinance. The county zoning ordinance states that salvage yards require a conditional use permit to operate in the rural zone.

Mr. Bear was present and showed the planning commission an air photo of the area. He said that he has had vehicles stored on the property for the last 30 years and didn't know where the idea came from that he was expanding. Mr. Capelle explained that they weren't saying he was starting new but was using more of his land and that he was not being asked to close but just to comply with the ordinance.

There were some neighboring property owners present to speak against the petition. Dick Bremer who lives right across the road, said that the salvage yard was bringing down the property values of the surrounding land. Robert Holvick, who owns property and lives

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right next door to Mr. Bear, told the commission that he had an easement through the Bear property to get back to land he owned behind the Bear property. Mr. Bear has placed cars and trucks over the easement as there is no access to the back lot. Discussion followed this as to where the easement was, if it still existed and whether the road used to access the Holvick property was actually a township road or not.

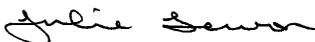
Mrs. Bemer said that the people live in that area because it is quiet and there is little traffic. She felt that if the salvage yard expansion were approved, the traffic would increase. Mrs. Holvick said that the expansion of the salvage yard was not in keeping with the residential intent of the neighborhood. After further discussion, Mrs. Ulwelling asked if it would be helpful for the planning commission members to visit the site personally. It was agreed that this was a good idea. Mr. Cummings then made a motion to table the petition to the October 30th meeting to give the members time to visit the site. The motion was seconded by Mr. Monsen and passed unanimously. There was some discussion on a time all members could be at the site, but it was finally determined that they would have to go individually when they had time. Helmer Bartz, Austin Township Supervisor, said he would be available to go to the site with anyone. Mr. Bear asked that anyone visiting the property contact him and let him know.

Other Business: Ms. Lewon handed out copies of a letter from the State Department of Agriculture. The letter discussed the State Agricultural Land Preservation Policy Act and the pilot program. Seven counties will be involved in the pilot program in the development of plans and ordinances for farm land protection. Ms. Lewon explained that this was just for the planning commission's information. More detailed information will be out in the future.

Ms. Lewon told the planning commission that the Red Rock town board and Nicolville sewer association had asked DNR to do a hydraulic analysis of that part of the Dobbins Creek flood plain that they are proposing to locate their new septic system in. They do not have the funds to pay for the study themselves. The county board and Red Rock town board have passed resolutions asking that DNR do the study for this area. The planning commission is now being asked to pass a similar resolution. Mr. Cummings made a motion to send a resolution asking that DNR prepare a hydraulic analysis for the Nicolville area. The motion was seconded by Mr. Stenson and passed unanimously.

There being no further business, the meeting adjourned at 9:35 p.m. on a motion by Mr. Monsen, seconded by Mr. Cummings and passed unanimously.

Respectfully submitted,



Julie Lewon, Secretary